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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)	No. CR 14 – 0567 RMW
)	
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	
15 v.)	
)	
16 ROBERT GARY TOLTZIS,)	
)	
17 Defendant.)	
)	
)	
)	
)	

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21 WHEREAS, the Court has set a hearing for defendant's Motion to Dismiss Counts 2 and 3 of the
22 Indictment, and requested a hearing date on said motion of Monday, November 16, 2015, at 9:00 a.m.,
23 before the Honorable Ronald M. Whyte;

24 WHEREAS, the parties have met and conferred about an potential resolution of this motion as
25 part of a resolution of the matter short of trial;

26 WHEREAS, the parties have discussed resetting the hearing for approximately 60 days along
27 with a reset to the schedule for briefing on this motion to allow sufficient time for both parties to
28 complete briefing on the issues raised and for the Court to receive and consider all such filings in

STIPULATION AND [PROPOSED] ORDER

1 advance of a hearing on this motion;

2 WHEREAS, the parties therefore agree that the United States may file its opposition to the
3 aforesaid motion on or before **December 16, 2015**, with the defendant to file a reply, if any, on or before
4 **December 30, 2015**, with a hearing on the defendant's motion to follow before this Court during its
5 regular criminal calendar on **January 11, 2016, at 9:00 a.m.**

6 **IT IS SO STIPULATED.**

7 DATED: October 20, 2015

Respectfully submitted,

8 BRIAN J. STRETCH
9 Acting United States Attorney

10 /s/
11 TIMOTHY J. LUCEY
12 Assistant United States Attorney

13 DATED: October 20, 2015

Respectfully submitted,

14 /s/
15 RICHARD POINTER
16 ALBIE JACHIMOWICZ
17 Attorneys for Defendant
RICHARD GARY TOLTZIS

18 **IT IS SO ORDERED.**

19
20 DATED: 10/22/2015

21 *Ronald M. Whyte*
22 HON. RONALD M. WHYTE
23 United States District Court
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